

DISPOSITION: November 2, 1945. The Shelley Candy Co., Mansfield, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be cleaned under the supervision of the Food and Drug Administration in order to eliminate all filth, and that if such cleaning were unsuccessful that it be disposed of for purposes other than human consumption.

10104. Adulteration of chocolate coating. U. S. v. 3 Bags and 78 Cartons of Chocolate Coating. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17753. Sample Nos. 14413-H, 14414-H.)

LIBEL FILED: October 9, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of January 3 and March 29, 1945, by the Hershey Chocolate Corporation, from Hershey, Pa.

PRODUCT: 3 200-pound bags and 78 50-pound cartons of chocolate coating at Mansfield, Ohio.

LABEL, IN PART: "Hershey's Dauphin Sweet Chocolate Coating."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insect fragments, beetles, and larvae.

DISPOSITION: November 2, 1945. The Shelley Candy Co., Mansfield, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be cleaned under the supervision of the Food and Drug Administration in order to eliminate all filth, and that if such cleaning were unsuccessful that it be disposed of for purposes other than human consumption.

SUGAR

10105. Adulteration of sugar. U. S. v. 910 Bags and 348 Bags of Sugar. Consent decrees of condemnation. Product released under bond. (F. D. C. Nos. 16766, 16868. Sample Nos. 22976-H, 23015-H.)

LIBELS FILED: June 30 and July 19, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 5, May 18, and June 7, 1945, from Pekin, Ill., and Gramercy, La.

PRODUCT: 1,258 100-pound bags of sugar at Memphis, Tenn., in the possession of the P & B Transfer and Storage Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product had been contaminated with urine and that it contained rodent excreta and rodent excreta pellets.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 5 and July 21, 1945. The Colonial Baking Co. and T. C. Collas & Co., Memphis, Tenn., claimants, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation and conversion of the unfit portions for use other than human consumption, under the supervision of the Federal Security Agency.

10106. Adulteration of sugar. U. S. v. 900 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17221. Sample No. 469-H.)

LIBEL FILED: August 28, 1945, Middle District of Georgia.

ALLEGED SHIPMENT: On or about December 26, 1945, from New Orleans, La.

PRODUCT: 900 100-pound bags of sugar at Columbus, Ga., in the possession of Dexter and Willingham Warehouse. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination of the sugar showed contamination by rodent urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 6, 1945. Dixie Confections, Inc., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

DAIRY PRODUCTS*

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, or both, Nos. 10107 to 10113; that was below the standard for milk fat content, Nos. 10113 to 10115; and that was short of the declared weight, No. 10116.

10107. Action to restrain the interstate shipment of adulterated butter. U. S. v. Steve Owens (The Wellington Creamery Co.) and The T. & O. Sales Co. Injunction granted. (Inj. No. 104.)

COMPLAINT FILED: August 18, 1945, Northern District of Texas, against Steve Owens, doing business as the Wellington Creamery Co., at Wellington, Tex., and the T. & O. Sales Co., a partnership, Amarillo, Tex., of which Steve Owens was a member. The complaint alleged that the defendants had been shipping in interstate commerce since August 19, 1944, butter which was contaminated with flies, beetles, rodent filth, dust, and dirt. It was alleged also that an inspection of the Wellington Creamery Co. on August 19, 1944, disclosed that a live rat was nesting under a stack of butter cartons; that a number of dead flies were on the folds at the top of two partly used sacks of sugar; that numerous dead flies and rat tracks were visible in dried cream which had been spilled on the floor of the testing room; that the butter-making equipment and piping were extremely dirty; that cockroaches were at various points throughout the plant; and that the cream used in preparation of the butter contained manure and other ingredients.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

PRAYER OF COMPLAINT: That a preliminary injunction issue restraining the defendants from the commission of the acts complained of, and that, after hearing, the preliminary injunction be made permanent.

DISPOSITION: On August 28, 1945, after hearing the evidence and arguments of the parties, the court granted a preliminary injunction enjoining the defendants during the pendency of the action from shipping adulterated butter in interstate commerce. On October 16, 1945, on default of the defendant, the preliminary injunction was made permanent.

10108. Adulteration of butter. U. S. v. 34 Cubes (2,040 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17388. Sample No. 26163-H.)

LIBEL FILED: August 25, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about August 4, 1945, by the Hallren Poultry and Creamery Co., from Fairview, Okla.

PRODUCT: 34 60-pound cubes of butter at Los Angeles, Calif. Analysis showed the product to be contaminated with filth in the form of insect fragments, rodent hairs, human hairs, and feather barbules. Inspection of the manufacturing plant revealed that filthy cream was used in making the butter, and that the butter was prepared under insanitary conditions.

LABEL, IN PART: "Creamery Butter * * * Hallren Poultry and Creamery Co. Fairview, Okla."

*See also No. 10191.